

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY OF
AMERICA a/s/o Ethical Culture Fieldston School and Ethical
Culture Fieldston,

CIVIL ACTION NO.
CV 07-11178 (SHS)

Plaintiff,

-against-

TISHMAN CONSTRUCTION CORPORATION OF NEW
YORK, JOHN CIVETTA & SONS, INC., AMBROSINO,
DEPINTO, SCHMIEDER CONSULTING ENGINEERS,
P.C., MUNOZ ENGINEERING & LAND SURVEYING,
P.C., COOPER, ROBERTSON & PARTNERS, LLP, and
LANGAN ENGINEERING & ENVIRONMENTAL
SERVICES, INC.

Defendants.

-----X
**DEFENDANT LANGAN ENGINEERING & ENVIRONMENTAL
SERVICES INC., P.C.'S ANSWER TO CROSS-CLAIM OF
DEFENDANT JOHN CIVETTA & SONS, INC. WITH CROSS-CLAIM**

Defendant, Langan Engineering and Environmental Services Inc., P.C. ("Langan"), improperly sued herein as Langan Engineering and Environmental Services, Inc., by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, as and for its Answer to the Cross-Claim of Defendant, John Civetta & Sons, Inc. ("Civetta"), alleges upon information and belief as follows:

ANSWERING THE FIRST CROSS-CLAIM AGAINST ALL CO-DEFENDANTS

FIRST: Langan denies the allegations contained in the First Cross-Claim to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in the First Cross-Claim.

FIRST AFFIRMATIVE DEFENSE

SECOND: Langan hereby incorporates and adopts by reference each and every applicable Affirmative Defense asserted in its Answer to the Complaint of Plaintiff, Travelers Property Casualty Company of America.

SECOND AFFIRMATIVE DEFENSE

THIRD: The Cross-Claim fails to state a cause of action upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

FOURTH: Langan pleads the failure to join necessary parties, and the intervening negligence and intervening causation of persons not a party to this action as a partial or complete bar to all causes of action asserted in the Cross-Claim.

FOURTH AFFIRMATIVE DEFENSE

FIFTH: Langan will rely upon any and all other further defenses that become available or appear during discovery proceedings in this action and Langan hereby specifically reserve the right to amend its Answer to the Cross-Claim for the purposes of asserting any such additional affirmative defense.

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION
AND/OR INDEMNIFICATION AGAINST
DEFENDANT JOHN CIVETTA & SONS, INC.**

SIXTH: If Plaintiff sustained damages in the manner alleged in the Complaint, all of which is denied by Langan, such damages were caused in whole or in part by reason of the negligence and/or culpable conduct by Civetta and/or other parties, and not as a result of any negligence or culpable conduct on the part of Langan.

SEVENTH: By reason of the foregoing, Langan is entitled to indemnification and/or contribution from, and to have judgment over and against, Civetta, for all or part of any verdict or judgment that Plaintiff may recover against Langan, including any and all attorneys' fees, costs and disbursements incurred by Langan.

WHEREFORE, the Defendant, Langan Engineering and Environmental Services Inc., P.C., improperly sued herein as Langan Engineering and Environmental Services, Inc., hereby demands judgment dismissing the cross-claim of Defendant, John Civetta & Sons, Inc., or in the event Plaintiff recovers a judgment against Langan, then Langan demands judgment over against Civetta, together with attorneys' fees, costs and disbursements of this action and such other and further relief as the Court deems just and proper.

Dated: New York, New York
March 20, 2008

Yours, etc.,

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: 

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CERTIFICATE OF SERVICE

I, Gilbert L. Lee, hereby certify and affirm that a true and correct copy of the attached **ANSWER TO CROSS-CLAIM OF DEFENDANT JOHN CIVETTA & SONS, INC. WITH CROSS-CLAIM** was served **ECF and Regular Mail** on March 20, 2008, upon the following:

To: Robert C. Sheps, Esq.
Sheps Law Group, P.C.
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Dated: New York
March 20, 2008



GILBERT L. LEE (GL-4014)